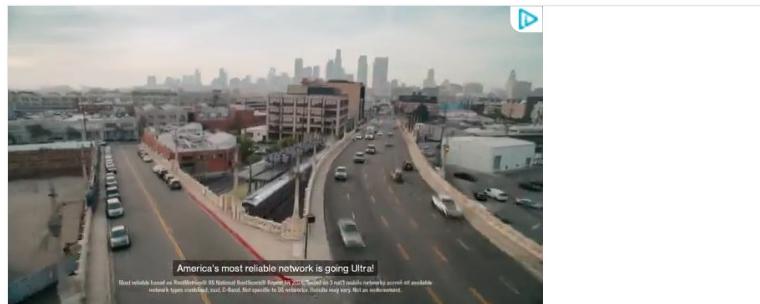


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SPORTS

L.A. Times asks to unseal records in case involving death of Angels pitcher Tyler Skaggs



Mike Trout, wearing a jersey to honor Tyler Skaggs, ^s
(John McCov / Getty Images)

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The Los Angeles Times asked a federal judge Monday to unseal exhibit and witness lists filed by the government in the case of the former Angels employee charged in connection with the overdose death of pitcher Tyler Skaggs.

In a motion filed in U.S. District Court in Fort Worth, James A. Hemphill, an attorney for The Times, noted the Supreme Court “has consistently recognized that the public and the press have a First Amendment right of access to criminal proceedings and records.”

Last month, U.S. District Judge Terry R. Means granted a government motion to seal exhibit and witness lists until testimony has concluded during the trial that’s scheduled to start Feb. 8.

“The Court’s Order neither addresses the presumption of public access to judicial proceedings nor details any putative compelling countervailing interests favoring nondisclosure of judicial records,” The Times’ motion said.

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The motion also seeks to unseal almost two dozen docket entries currently hidden from public view.



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“The docket does not indicate that the Court has issued a sealing order explaining its rationale for sealing these portions of its docket sheet from public view,” the motion said.

A spokeswoman for prosecutors declined comment.

Eric Kay is charged with distributing

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Case 4:20-cr-00269-Y Document 97-1 Filed 01/07/22 Page 4 of 12 PageID 930
In a court filing in August, prosecutors said they plan to present testimony from approximately five Major League Baseball players who allege they received oxycodone from Kay.

This isn't the first dispute over sealed records in the case. In October, the Angels asked Means to unseal his order denying the government's attempt to compel the team to comply with a subpoena seeking information about members of the organization possibly distributing drugs, noting the order didn't include any nonpublic information. The government opposed the move.

The judge went ahead and made the order public last month. It blistered the government's subpoena effort as a "fishing expedition" and alleged that the government "apparently has no idea what specific items it wants from the Angels."

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LA Times Asks To Unseal Feds' Plans For MLB Overdose Trial

By **Rachel Scharf**

Law360 (December 20, 2021, 5:18 PM EST) -- The Los Angeles Times asked a Texas federal judge on Monday to unseal the government's witness and evidence lists for the upcoming criminal trial of a former Major League Baseball team staffer accused of supplying Los Angeles Angels pitcher Tyler Skaggs with a fatal drug dose.

The Times asked U.S. District Judge Terry R. Means for permission to intervene in the case against former Los Angeles Angels communications director Eric Kay, who **prosecutors say** distributed a fentanyl-laced oxycodone tablet discovered in the Texas hotel room where Skaggs overdosed in 2019.

According to the Times, Judge Means has allowed both the prosecution and the defense to withhold dozens of case documents from the public without adequate explanation. The newspaper took particular issue with a Nov. 9 order permitting the government to seal its witness and exhibit lists for Kay's trial, currently scheduled to begin on Feb. 8.

"The court's [order] does not mention the presumption in favor of the public's access to judicial records or articulate any reasons that would support sealing," the Times wrote. "It was an abuse of discretion, infringing the Los Angeles Times' and the public's First Amendment and common law rights to access this criminal proceeding. The government's witness and exhibit lists should therefore be unsealed."

A spokesperson for the prosecution declined to comment on the Times' motion Monday. Counsel for the Times and Kay did not respond to requests for comment.

Kay was **indicted in October 2020** on charges of distributing a controlled substance that caused death and possession of fentanyl with the intent to distribute. He has pled not guilty.

Prosecutors allege that Kay routinely provided Angels players with blue oxycodone pills — which Kay and company supposedly called "blue boys" — from at least 2017 to 2019. According to the government, Kay gave Skaggs the drugs found alongside his body in a Southlake, Texas, hotel room in July 2019, when the 27-year-old pitcher was in town to play against the Texas Rangers.

Kay's trial, **originally scheduled** for December 2020, has been pushed back a number of times over the last year. Judge Means most recently **granted Kay's bid** to delay the proceeding by a month after prosecutors added oxycodone to the list of drugs he allegedly distributed to players.

The Times is represented by James A. Hemphill and Christopher C. Cyrus of Graves Dougherty Hearon & Moody PC.

The government is represented by Lindsey E. Beran, Errin Martin, Jonathan Glen Bradshaw and Joseph T. Lo Galbo of the U.S. Attorney's Office for the Northern District of Texas.

Kay is represented by William Reagan Wynn of Reagan Wynn Law PLLC and Michael A. Molfetta of Molfetta Law.

The case is USA v. Eric Kay, case number 4:20-cr-00269, in the U.S. District Court for the Northern District of Texas.

--Additional reporting by Lauren Berg and Max Jaeger. Editing by Alex Hubbard.

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